

# KOBRE & KIM

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December 15, 2023

## **BY ECF**

The Honorable Jennifer L. Rochon  
United States District Court for the Southern District of New York  
500 Pearl Street, Room 1920  
New York, New York 10007

**Re: *Citibank, N.A. v. Aralpa Holdings Limited Partnership et al.*, 1:22-CV-08842 (JLR)**

Dear Judge Rochon:

We represent Defendants Aralpa Holdings Limited Partnership and Rodrigo Lebois Mateos (together, “Defendants”) in the above-captioned matter. Defendants submit this letter following notifications of sealed docket entries filed by Plaintiff Citibank, N.A. (“Citibank”) on December 14 and 15 entitled: (1) Ex-Parte Proposed Order to Show Cause with Emergency Relief (ECF 76); (2) Ex-Parte Memorandum of Law (ECF 77); (3) Ex-Parte Declaration of Bruno Plotnicki (ECF 78); (4) Ex-Parte Declaration of Mario Meza (ECF 79); and (5) Ex-Parte Declaration of Adam Kauff (ECF 80). The papers were filed under seal without copies being provided to Defendants.

Defendants respectfully request that the Court require that copies of the papers be provided to Defendants and that Defendants be permitted an opportunity to respond before the Court takes any action on Citibank’s papers. The reason for requesting that any relief be sought on notice is that Citibank previously sought pre-judgment attachment based on stale and inaccurate information taken from the internet without confirming the details with counsel. *See* ECF 44 (seeking immediate relief based on the sale of a yacht owned by a third party that had been sold almost a year earlier). Citibank also sought *ex parte* relief in Spain, which the first instance and appellate courts denied. *Id.* Based on this history, Defendants request an opportunity to respond to any relief Citibank may be seeking to ensure the Court considers any requests for relief on an accurate factual record. In addition, if *ex parte* relief is issued, Citibank should be required to post a monetary bond—and if Citibank seeks relief in the form of a restraint on assets, that bond should be in the amount of at least the value of those assets.

Hon. Jennifer L. Rochon  
December 15, 2023  
Page 2

We thank Your Honor for your consideration of these matters.

Respectfully submitted,

/s/ Daniel J. Saval  
Daniel J. Saval

*Attorney for Defendants Aralpa  
Holdings Limited Partnership and  
Rodrigo Lebois Mateos*

cc: All Counsel of Record (*by ECF*)